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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 DELPHINE ALLEN, et al.,

19 Plaintiffs,

20 v.

21 CITY OF OAKLAND, et al.,

22 Defendants.
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25
26

Case No. C 00-4599 WHO

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE STATUS
CONFERENCE**

Date: September 28, 2018
Time: 3:00 p.m.
Courtroom 2 – 17th Floor

The Honorable William H. Orrick

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I. INTRODUCTION/BACKGROUND

The next Case Management Conference in this case is currently set for Friday, September 28, 2018, with the parties' Joint Case Management Conference Statement and the City's combined Status Reports (Retaliation/Arbitration/Swanson Recommendations) due on September 21, 2018.

The parties (and, in particular, the City) are aware of the Court's indication via a recently-issued Court Order that it intends to hold the September 28, 2018 Further Case Status Conference and "will be keenly focused on what tasks from the NSA are still outstanding, why that is, and who the individuals are who are currently responsible for those tasks."

Unfortunately, starting on September 10, 2018, lead counsel for the City, Ms. Kimberly Bliss, suffered several medical conditions that had her out of the office and unable to work for a full week. The preparation of the joint Case Management Conference statement is generally a two-week process that involves meeting and conferring with Plaintiffs' counsel and counsel for the OPOA, scheduling several meetings to gather the necessary (and most up-to-date) information from OPD and the City's Department of Information Technology regarding the status of the NSA tasks and related projects (such as implementation of PRIME and the Stanford recommendations), drafting the statements, and providing all necessary Department and City officials the chance to review the statement before its filing. Although Ms. Bliss has returned to work, she likely will not be working at full capacity for another week or two.¹

Given the City's strong desire to ensure that the Case Management Conference statement is sufficiently detailed and helpful to the Court, counsel for the City asked the other parties to stipulate—with the Court's approval—to a short continuance of the CMC to accommodate Ms. Bliss's medical issues. Counsel for Plaintiffs and the OPOA do not object to the City's request.

Accordingly, the parties met and conferred regarding available dates, focusing on the dates in October and November 2018 during which the Independent Monitoring Team is already

¹ If the Court desires more specific information regarding Ms. Bliss's medical condition in evaluating this request, the City respectfully requests that she be allowed to submit that information to the Court confidentially via email.

1 scheduled to visit the Department for its monthly site visits. Of those dates, the parties are all
 2 available on October 30, November 27, and November 28.

3 The City apologizes for any inconvenience this request has caused the parties, the IMT and
 4 the Court, but is certain that a continuance will ensure that the City can better provide the Court all
 5 the information necessary to evaluate the current status of the City's NSA compliance efforts.

6 The City will also be mindful of the Court's indication that it may direct persons responsible
 7 for NSA task implementation to be present at the Further Case Status Conference to answer
 8 questions.

9 **STIPULATION**

10 The parties STIPULATE (subject to the Court's approval) to continue the Case Management
 11 Conference currently set for September 28, 2018 at 3:00 p.m. to one of the following dates:
 12 October 30th, November 27th, or November 28th. If the Court sets the Conference for the last week
 13 of November, the parties intend to file the Case Management Conference statement and the City's
 14 combined status reports early – on November 16th – in order to give the Court sufficient time to
 15 review the statement in light of the intervening Thanksgiving holiday week.

16
 17 Dated: September 18, 2018 BARBARA J. PARKER, City Attorney
 OTIS McGEE, JR., Chief Assistant City Attorney
 18 RYAN G. RICHARDSON, Special Counsel
 19 KIMBERLY A. BLISS, Supervising Deputy City Attorney
 JAMILAH A. JEFFERSON, Senior Deputy City Attorney

20 By: /s/ Kimberly A. Bliss
 21 Attorneys for Defendants
 CITY OF OAKLAND, et al

22
 23 Dated: September 18, 2018 JOHN L. BURRIS
 Law Offices of John L. Burris

24 By: /s/ John L. Burris
 25 Attorney for Plaintiffs
 26

1 Dated: September 18, 2018

JAMES B. CHANIN
Law Offices of James B. Chanin

2
3 By: /s/ James B. Chanin
Attorney for Plaintiffs

4
5 Dated: September 18, 2018

ROCKNE A. LUCIA, JR.
Rains Lucia Stern St. Phalle & Silver

6 By: /s/ Rockne A. Lucia, Jr.
7 Attorney for Intervenor
OAKLAND POLICE OFFICERS ASSOCIATION

8
9
10 **[PROPOSED] ORDER ON NEXT PAGE**

[PROPOSED] ORDER

Pursuant to the parties' stipulation, and good cause appearing, the Court hereby continues the Case Management Conference currently set for September 28, 2018 at 3:00 p.m. to _____ at _____ a.m./p.m. The parties' Case Management Conference Statement and the City's Combined Status Reports (Retaliation/Arbitration/Swanson Recommendations) shall be filed on or before _____.

Dated: _____

HON. WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE